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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2009 JUN 29 AM 8:02

JEANNE HICKS, CLERK  
*N. Segun*

BY: \_\_\_\_\_

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

CR 2008-1339

Plaintiff,

Division 6

v.

STEVEN CARROLL DEMOCKER,

STATE'S NOTICE OF ADDITIONAL  
DISCLOSURE IN DEATH PENALTY  
CASE PURSUANT TO RULE 15(i)(3)

Defendant.

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby gives notice, pursuant to 13.5(c) and 15.1(i) of the *Arizona Rules of Criminal Procedure*, of specific evidence that will be offered to support each identified aggravating circumstance, previously filed by the State:

**A. 13-703(f)(2): Previous conviction of a serious offense.**

*15.1(i)(3)(a): The names and addresses of all persons whom the prosecutor intends to call as witnesses to support each identified aggravating circumstance at the aggravation hearing together with any written or recorded statements of the witness.*

This aggravating circumstance is consolidated in the present indictment and will be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-703.01(I), the State will not be presenting additional witnesses at the aggravating hearing on this particular aggravating circumstance. The testimony of trial witnesses and resulting

1 verdicts will be used for the aggravation hearing.

2 *15.1(i)(3)(b): The names and addresses of experts whom the prosecutor intends to*  
3 *call to support each identified aggravating circumstance at the aggravation hearing together*  
4 *with any written or recorded statements of the expert.*

5 This aggravating circumstance is consolidated in the present indictment and will  
6 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
7 703.01(I), the State will not be presenting additional expert witnesses at the aggravating  
8 hearing on this particular aggravating circumstance. The testimony of trial witnesses and  
9 resulting verdicts will be used for the aggravation hearing.

10 *15.1(i)(3)(c): A list of any and all papers, documents, photographs or tangible*  
11 *objects that the prosecutor intends to use support each identified aggravating circumstance*  
12 *at the aggravation hearing.*

13 This aggravating circumstance is consolidated in the present indictment and will  
14 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
15 703.01(I), the State will not be presenting additional evidence at the aggravating hearing on  
16 this particular aggravating circumstance. The evidence and resulting verdicts will be used for  
17 the aggravation hearing.

18 *15.1(i)(3)(d): All material or information that might mitigate or negate the*  
19 *finding of an aggravating circumstance or mitigate the defendant's culpability.*

20 None at this time.

21 **B. 13-703(f)(5): The defendant committed the offense as consideration for the**  
22 **receipt, or in expectation of the receipt, of anything of pecuniary value.**

23 *15.1(i)(3)(a): The names and addresses of all persons whom the prosecutor*  
24 *intends to call as witnesses to support each identified aggravating circumstance at the*  
25 *aggravation hearing together with any written or recorded statements of the witness.*

26 This aggravating circumstance is consolidated in the present indictment and will  
be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-

1 703.01(I), the State will not be presenting additional witnesses at the aggravating hearing on  
2 this particular aggravating circumstance. The testimony of trial witnesses and resulting  
3 verdicts will be used for the aggravation hearing.

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8 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
9 703.01(I), the State will not be presenting additional expert witnesses at the aggravating  
10 hearing on this particular aggravating circumstance. The testimony of trial witnesses and  
11 resulting verdicts will be used for the aggravation hearing.

12 *15.1(i)(3)(c): A list of any and all papers, documents, photographs or tangible*  
13 *objects that the prosecutor intends to use support each identified aggravating circumstance*  
14 *at the aggravation hearing.*

15 This aggravating circumstance is consolidated in the present indictment and will  
16 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
17 703.01(I), the State will not be presenting additional evidence at the aggravating hearing on  
18 this particular aggravating circumstance. The evidence and resulting verdicts will be used for  
19 the aggravation hearing.

20 *15.1(i)(3)(d): All material or information that might mitigate or negate the*  
21 *finding of an aggravating circumstance or mitigate the defendant's culpability.*

22 None at this time.

23 C. **13-703(f)(6): The defendant committed the offense in an especially heinous,**  
24 **cruel or depraved manner.**

25 *15.1(i)(3)(a): The names and addresses of all persons whom the prosecutor*  
26 *intends to call as witnesses to support each identified aggravating circumstance at the*  
*aggravation hearing together with any written or recorded statements of the witness.*

1 This aggravating circumstance is consolidated in the present indictment and will  
2 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
3 703.01(I), the State will not be presenting additional witnesses at the aggravating hearing on  
4 this particular aggravating circumstance. The testimony of trial witnesses and resulting  
5 verdicts will be used for the aggravation hearing.

6  
7 *15.1(i)(3)(b): The names and addresses of experts whom the prosecutor intends to*  
8 *call to support each identified aggravating circumstance at the aggravation hearing together*  
*with any written or recorded statements of the expert.*

9 This aggravating circumstance is consolidated in the present indictment and will  
10 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
11 703.01(I), the State will not be presenting additional expert witnesses at the aggravating  
12 hearing on this particular aggravating circumstance. The testimony of trial witnesses and  
13 resulting verdicts will be used for the aggravation hearing.

14  
15 *15.1(i)(3)(c): A list of any and all papers, documents, photographs or tangible*  
16 *objects that the prosecutor intends to use support each identified aggravating circumstance*  
*at the aggravation hearing.*

17 This aggravating circumstance is consolidated in the present indictment and will  
18 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
19 703.01(I), the State will not be presenting additional evidence at the aggravating hearing on  
20 this particular aggravating circumstance. The evidence and resulting verdicts will be used for  
21 the aggravation hearing.

22  
23 *15.1(i)(3)(d): All material or information that might mitigate or negate the*  
24 *finding of an aggravating circumstance or mitigate the defendant's culpability.*

25 None at this time.

26 ///

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1 D. 13-703(f)(12): The defendant committed the offense to prevent a person's  
2 cooperation with an official law enforcement investigation, to prevent a  
3 person's testimony in a court proceeding, in retaliation for a person's  
4 cooperation with an official law enforcement investigation or in retaliation  
5 for a person's testimony in a court proceeding.

6 *15.1(i)(3)(a): The names and addresses of all persons whom the prosecutor*  
7 *intends to call as witnesses to support each identified aggravating circumstance at the*  
8 *aggravation hearing together with any written or recorded statements of the witness.*

9 This aggravating circumstance is consolidated in the present indictment and will  
10 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
11 703.01(I), the State will not be presenting additional witnesses or evidence at the aggravating  
12 hearing on this particular aggravating circumstance. The testimony of trial witnesses and  
13 resulting verdicts will be used for the aggravation hearing.

14 *15.1(i)(3)(b): The names and addresses of experts whom the prosecutor intends to*  
15 *call to support each identified aggravating circumstance at the aggravation hearing together*  
16 *with any written or recorded statements of the expert.*

17 This aggravating circumstance is consolidated in the present indictment and will  
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20 hearing on this particular aggravating circumstance. The testimony of trial witnesses and  
21 resulting verdicts will be used for the aggravation hearing.

22 *15.1(i)(3)(c): A list of any and all papers, documents, photographs or tangible*  
23 *objects that the prosecutor intends to use support each identified aggravating circumstance*  
24 *at the aggravation hearing.*

25 This aggravating circumstance is consolidated in the present indictment and will  
26 be tried together with all counts. Pursuant to A.R.S. §§ 13-703(D) and/or 13-703.01(I), the  
State will not be presenting additional evidence at the aggravating hearing on this  
aggravating circumstance. The evidence and resulting verdicts will be used for the

1 aggravation hearing.

2 *15.1(i)(3)(d): All material or information that might mitigate or negate the*  
3 *finding of an aggravating circumstance or mitigate the defendant's culpability.*

4 None at this time.

5 **E. 13-703(f)(13): The offense was committed in a cold, calculated manner**  
6 **without pretense of moral or legal justification.**

7 *15.1(i)(3)(a): The names and addresses of all persons whom the prosecutor*  
8 *intends to call as witnesses to support each identified aggravating circumstance at the*  
9 *aggravation hearing together with any written or recorded statements of the witness.*

10 This aggravating circumstance is consolidated in the present indictment and will  
11 be tried together with all counts. Therefore, pursuant to A.R.S. §§ 13-703(D) and/or 13-  
12 703.01(I), the State will not be presenting additional witnesses or evidence at the aggravating  
13 hearing on this particular aggravating circumstance. The testimony of trial witnesses and  
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15 *15.1(i)(3)(b): The names and addresses of experts whom the prosecutor intends to*  
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17 *with any written or recorded statements of the expert.*

18 This aggravating circumstance is consolidated in the present indictment and will  
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20 703.01(I), the State will not be presenting additional expert witnesses or evidence at the  
21 aggravating hearing on this particular aggravating circumstance. The testimony of trial  
22 witnesses and resulting verdicts will be used for the aggravation hearing.

23 *15.1(i)(3)(c): A list of any and all papers, documents, photographs or tangible*  
24 *objects that the prosecutor intends to use support each identified aggravating circumstance*  
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26 This aggravating circumstance is consolidated in the present indictment and will  
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1 703.01(I), the State will not be presenting additional evidence at the aggravating hearing on  
2 this particular aggravating circumstance. The evidence and resulting verdicts will be used for  
3 the aggravation hearing.

4 *15.1(i)(3)(d): All material or information that might mitigate or negate the*  
5 *finding of an aggravating circumstance or mitigate the defendant's culpability.*

6 None at this time.

7 RESPECTFULLY SUBMITTED this 26<sup>th</sup> June, 2009.

8  
9 Sheila Sullivan Polk  
YAVAPAI COUNTY ATTORNEY

10  
11 By 

12 Joseph C. Butner  
13 Deputy County Attorney

14 COPIES of the foregoing delivered this  
29<sup>th</sup> day of June, 2009 to:

15 Honorable Thomas J. Lindberg  
16 Division 6  
17 Yavapai County Superior Court  
(via email)

18 John Sears  
19 107 North Cortez Street, Suite 104  
20 Prescott, AZ 86301  
21 Attorney for Defendant  
(via email and Courthouse box)

22 Larry Hammond  
23 Anne Chapman  
24 Osborn Maledon, P.A.  
25 2929 North Central Ave, 21<sup>st</sup> Floor  
Phoenix, AZ  
Attorney for Defendant  
(via email and USPS)

26 By: Webb Conwell